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#4

PTO/SB/01A (10-00)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

As the below named inventors, we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 09/872,412, filed on 06/01/2001,
☐ as amended on _____ (if applicable);

We believe that we are the original and first inventors of the subject matter which is claimed and for which a patent is sought;

We have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of our knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor one: David C. Banks Citizen of: U.S.A.

Signature: [Signature] Date: 9/10/01

Inventor two: Kreg A. Martin Citizen of: U.S.A.

Signature: [Signature] Date: 8/22/01

Inventor three: Shunjia Yu Citizen of: U.S.A.

Signature: [Signature] Date: 10/5/2001

Inventor four: Jieming Zhu Citizen of: U.S.A.

Signature: [Signature] Date: 9/23/01

Inventor four: Kevan K. Kwong Citizen of: U.S.A.

Signature: [Signature] Date: 8/22/01



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Please type a plus sign (+) inside this box ☐

PTO/SB/82 (10/00)
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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number 09/872,412

Filing Date 6/1/2001

First Named Inventor David C. Banks

Group Art Unit

Examiner Name

Attorney Docket Number 112-0030US

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☒ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ Please change the correspondence address for the above-identified application to:

☐ Customer Number

OR

Place Customer
Number Bar Code
Label here

☐ Firm or
Individual Name

Address

Address

City

Country

State

ZIP

Telephone

Fax

I am the:

☐ Applicant/Inventor

☒ Assignee of record of the entire interest. See 37 CFR 3.71
Certificate under 37CFR 3.73(b) is enclosed (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name

Ronald S. Epstein

Signature

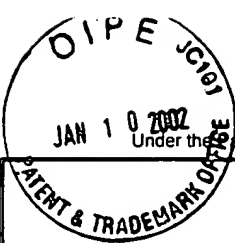
Date

10/23/2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/96 (2-98)
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant: David C. Banks et al.Application No.: 09/872,412 Filed: 6/1/2001Entitled: LINK TRUNKING AND MEASURING LINK LATENCY IN FIBRE CHANNEL FABRICBrocade Communications Systems, Inc., a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

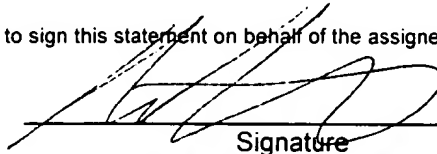
1. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
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Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

- ☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

10/23/2001
Date


Signature

Ronald S. Epstein
Typed or printed name

Vice President
Title

ASSIGNMENT

For good and valuable consideration, the receipt of which is hereby acknowledged, the person(s) named below (referred to as "INVENTOR" whether singular or plural) has sold, assigned, and transferred and does hereby sell, assign, and transfer to **Brocade Communications Systems, Inc.**, a California corporation, having a place of business at **1745 Technology Drive, San Jose, California 95110**, ("ASSIGNEE"), for itself and its successors, transferees, and assignees, the following:

1. The entire worldwide right, title, and interest in all inventions and improvements ("SUBJECT MATTER") that are disclosed in the provisional application filed under 35 U.S.C. §111(b) or non-provisional application filed under 35 U.S.C. §111(a) and entitled **Link Trunking And Measuring Link Latency In Fibre Channel Fabric** ("APPLICATION"), which:

☐ is to be filed herewith
☒ was filed on 06/01/2001, (YYYY),
 now bearing U.S. serial number 09/872412 and

2. The entire worldwide right, title, and interest in and to:
 (a) the APPLICATION; (b) all applications claiming priority from the APPLICATION;
 (c) all divisional, continuation, substitute, renewal, reissue, and other related applications thereto which have been or may be filed in the United States or elsewhere in the world;
 (d) all patents (including reissues and re-examinations) which may be granted on the applications set forth in (a), (b), (c) and (d) above; and (e) all right of priority in the APPLICATION, together with all rights to recover damages for infringement of provisional rights.

INVENTOR agrees that ASSIGNEE may apply for and receive patents for SUBJECT MATTER in ASSIGNEE's own name.

INVENTOR agrees to do the following, when requested, and without further consideration, in order to carry out the intent of this Assignment: (1) execute all oaths, assignments, powers of attorney, applications, and other papers necessary or desirable to fully secure to ASSIGNEE the rights, titles and interests herein conveyed; (2) communicate to ASSIGNEE all known facts relating to the SUBJECT MATTER; and (3) generally do all lawful acts that ASSIGNEE shall consider desirable for securing, maintaining, and enforcing worldwide patent protection relating to the SUBJECT MATTER and for vesting in ASSIGNEE the rights, titles, and interests herein conveyed. INVENTOR further agrees to provide any successor, assign, or legal representative of ASSIGNEE with the benefits and assistance provided to ASSIGNEE hereunder.

INVENTOR represents that INVENTOR has the rights, titles, and interests to convey as set forth herein, and covenants with ASSIGNEE that the INVENTOR has not made and will not hereafter make any assignment, grant, mortgage, license, or other agreement affecting the rights, titles, and interests herein conveyed.

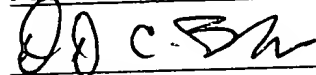
INVENTOR grants the attorney of record the power to insert on this Assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Title of Document: ASSIGNMENT

Re: Link Trunking And Measuring Link Latency In Fibre Channel Fabric
 Title:
 Filed: (if applicable)
 Serial No.: (if applicable)

This Assignment may be executed in one or more counterparts, each of which shall be deemed an original and all of which may be taken together as one and the same Assignment.

Name and Signature



David C. Banks

Date of
Signature

9/10, 2001

Date Declaration
Executed By This Person

9/10, 2001

State of _____ } S.S.
 County of _____ }

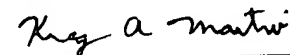
On _____ before me, _____ personally
 [DATE] [NOTARY PUBLIC]

appeared David C. Banks personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

Name and Signature



Kreg A. Martin

Date of
Signature

8/22, 2001

Date Declaration
Executed By This Person

8/22, 2001

State of _____ } S.S.
 County of _____ }

On _____ before me, _____ personally
 [DATE] [NOTARY PUBLIC]

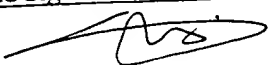
appeared Kreg A. Martin personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

Title of Document: ASSIGNMENT

Re: Link Trunking And Measuring Link Latency In Fibre Channel Fabric
 Title:
 Filed: (if applicable)
 Serial No.: (if applicable)

<u>Name and Signature</u>	<u>Date of Signature</u>	<u>Date Declaration Executed By This Person</u>
	<u>10/5</u> , 2001	<u>10/5</u> , 2001
Shunjia Yu		

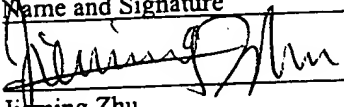
State of _____ } S.S.
 County of _____ }

On _____ before me, _____ personally
 [DATE] [NOTARY PUBLIC]

appeared Shunjia Yu personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

<u>Name and Signature</u>	<u>Date of Signature</u>	<u>Date Declaration Executed By This Person</u>
	<u>8/23</u> , 2001	<u>8/23</u> , 2001
Jieming Zhu		

State of _____ } S.S.
 County of _____ }

On _____ before me, _____ personally
 [DATE] [NOTARY PUBLIC]

appeared Jieming Zhu personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

Title of Document: ASSIGNMENT

Re:

Title:

Link Trunking And Measuring Link Latency In Fibre Channel Fabric

Filed: (if applicable)

Serial No.: (if applicable)

<u>Name and Signature</u>	<u>Date of Signature</u>	<u>Date Declaration Executed By This Person</u>
<u>Kevan K. Kwong</u> Kevan K. Kwong	<u>8-22, 2001</u>	<u>8-22, 2001</u>

State of _____ } S.S.
County of _____ }

On _____ before me, _____ personally
[DATE] [NOTARY PUBLIC]

appeared Kevan K. Kwong personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

Notary Seal

Notary

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